

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VALERIE K. VILLINES,

Plaintiff,

v.

STEAK 'N SHAKE OPERATIONS, INC.,

Defendant.

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) Cause No. 4:13-cv-02634-JCH  
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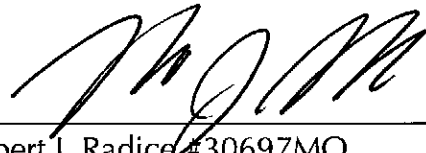
**PLAINTIFF'S TRIAL BRIEF**

Plaintiff slipped and fell at a Steak 'N Shake restaurant owned by Defendant on June 2, 2013, at the entrance to the restroom foyer which had been recently mopped.

As a result of the fall, Plaintiff fractured her left femur bone in the area of where it meets her knee. Plaintiff was recovering from a previous left knee replacement, and was required to undergo a revision of the knee replacement, which has resulted in permanent damage to her knee.

Factually, it is Plaintiff's position that Defendant was negligent in failing to follow its own safety procedures as to the mopping of its floors, resulting in Plaintiff's fall. Plaintiff anticipates that Defendant will take the position that Plaintiff failed to keep a careful lookout.

There are no unusual legal issues with the exception of the application of §490.715 of the Revised Statutes of Missouri, which deals with the value of medical bills, and whether the amount charged, the amount paid or both should be presented to the jury at trial. It is Plaintiff's position that this statutory section is an evidence/procedural matter, and that §490.715 does not apply to a case tried in federal court. As a result, only Plaintiff's total medical bills should be presented to the jury.

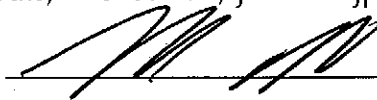


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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served this 9<sup>th</sup> day of June, 2015 via the Court's ECF filing system upon: Joseph R. Swift, Esq., Brown & James, P.C., Attorneys for Defendant, 800 Market St., Suite 1100, St. Louis, MO 63101; jswift@bjpc.com.



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